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SAFEWAY INC.
16

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19

20 MICHAEL RODMAN, on behalf of
himself and all others similarly situated,

21 Plaintiff,

22 v.

23 SAFEWAY INC.,
24

25 Defendant.
26
27
28

Case No. 3:11-CV-03003 JSW

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

Date: April 20, 2012

Time: 1:30 PM

Courtroom: 11, 19th Floor

The Honorable Jeffrey S. White

1 Plaintiff Michael Rodman ("Plaintiff") and defendant Safeway Inc. ("Safeway"), by
2 and through their counsel, stipulate:

3 1. Plaintiff filed his Class Action Complaint on June 17, 2011 (Dkt. No. 1) and
4 later amended his complaint on September 15, 2011 (Dkt. No. 29). The Amended
5 Complaint, which is the operative complaint, alleges claims for breach of contract,
6 violation of California's Consumer Legal Remedies Act (Civ. Code § 1770, et seq.), false
7 advertising (Bus. & Prof. Code § 17500, et seq.) and unfair competition (Bus. & Prof.
8 Code § 17200, et seq.). In support of his claims, Plaintiff alleges that Safeway
9 misrepresented to customers that the prices they will be charged for groceries ordered
10 online for home delivery would be the same as the price charged on that day in the
11 customers' local brick-and-mortar store.

12 2. Safeway moved to dismiss the Amended Complaint, which the Court
13 denying by order entered November 1, 2011 (Dkt. No. 38). Safeway answered the
14 Amended Complaint, denying it misrepresented its online store pricing and alleging
15 various affirmative defenses, on November 15, 2011 (Dkt. No. 39).

16 3. On December 1, 2011, the parties participated in an Early Neutral Evaluation
17 before Stephen E. Taylor, Esq. As reflected by Mr. Taylor's Certification of ADR Session
18 (Dkt. No. 40), the parties agreed to continue their ADR efforts through a full day
19 mediation.

20 4. By orders entered January 3, 2011 and March 15, 2012, the Court continued
21 the initial case management conference to March 23, 2012 and then to April 20, 2012 to
22 allow the parties time to complete their efforts to settle this matter (Dkt. Nos. 43 and 45).

23 5. The parties were originally scheduled for a full days mediation before Judge
24 William Cahill (Ret.) at JAMS in San Francisco on April 10, 2012. The parties further
25 agreed to informally exchange discovery information necessary to facilitate a productive
26 mediation session.

27 6. Due to the medical condition of Safeway's representative and recovery time
28 following her surgery, Safeway was unable to prepare for and participate in a mediation on

1 April 10th. The parties, therefore, continued the mediation to May 15, 2012, which was
2 the next available date on Judge Cahill's and all parties' calendar.

3 7. The parties have since exchanged their informal mediation discovery and the
4 matter has been confirmed for a full-day mediation before Judge Cahill on May 15th. The
5 parties do not anticipate any further delays.

6 8. Given the unforeseen medical complications and the ongoing settlement
7 discussions, the parties jointly request the Court continue the April 20, 2012 Case
8 Management Conference to May 25, 2012, with a joint case management conference
9 statement due on May 18, 2012, or a date thereafter convenient to the Court.

10 **IT IS SO STIPULATED.**

11 Dated: April 12, 2012

12 SHEPHERD, FINKELMAN, MILLER & SHAH LLP

13
14 By /s/ James C. Shah
15 LESLEY E. WEAVER
16 JAMES C. SHAH
Attorneys for Plaintiff MICHAEL RODMAN

17 Dated: April 12, 2012

CHIMICLES & TIKELLIS, LLP

18
19 By /s/ Steven A. Schwartz
20 STEVEN A. SCHWARTZ
21 TIMOTHY N. MATHEWS
Attorneys for Plaintiff MICHAEL RODMAN

22 Dated: April 12, 2012

SHEPPARD MULLIN RICHTER & HAMPTON LLP

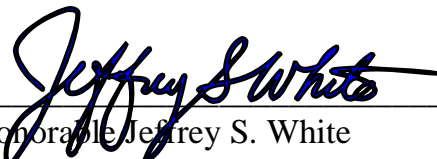
23
24 By /s/ Brian R. Blackman
25 P. CRAIG CARDON
26 BRIAN R. BLACKMAN
27 Attorneys for Defendant SAFEWAY INC.
28

ORDER

Having considered the parties' stipulation and good cause appearing, the Court continues the April 20, 2012 Case Management Conference to May 25, 2012 at 1:30 PM in Courtroom 11, 19th Floor. The joint case management statement shall be due on or before May 18, 2012.

IT IS SO ORDERED.

Dated: April 13, 2012



The Honorable Jeffrey S. White
United States District Judge